



PATENT
Customer No. 22,852
Attorney Docket No. 08888.0517-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Francis BLANCHE et al.

Application No.: 09/970,663
10/812,918

Filed: October 5, 2001

For: COMPOSITION FOR THE
PRESERVATION OF
INFECTIOUS RECOMBINANT
ADENOVIRUSES

Group Art Unit: 1635

Examiner: Brian Whiteman

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.131

We, Francis Blanche and Shian-Jiun Shih, state that we are the named applicants of the above-identified application and that we are co-inventors of the subject matter described and claimed therein. Prior to November 16, 1998, we, the co-inventors, had completed in France the invention as described and claimed in the above-identified application as evidenced by the following:

1. Exhibit A: Laboratory Notebook Pages 51-55 and 176 (A1-A6) of Francis Blanche, showing, a composition comprising adenoviral particles and a glycerol buffer solution at pH 8.4, wherein the buffer solution does not contain added divalent metal cations or alkali metal cations. See pages 52-53 (A2-A3), formulation #2, for example, comprises Tris/HCl and 10% glycerol at pH 8.4 (hereinafter referred to as "formulation #2".) The addition of adjuvants, such as sucrose or Tween20 is shown, for example, at page 176, formulations C and D. Formulation #2 is shown to be